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ANALYSIS OF THE INTERNATIONAL BOUNDARY SITUATION
IN THE CHUKOTSK AREA

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Analysis of the International Boundary Situation in the Chukotsk Area

In view of the sensitive situation in the Chukotsk Area and the lack of precise knowledge of Soviet definitions and interpretations of international boundaries, lines of demarcation, and territorial waters, the following questions are being discussed.

1. The boundary between Alaska and the USSR was delimited in the convention between the United States and Russia, March 30, 1867, ceding Alaska to the United States. In Article I of this convention, the Bering Sea portion of the line of demarcation is defined as follows:

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

2. In essence the line does not constitute a boundary between the waters of the US and the USSR except where the territorial waters of the two countries overlap in the Bering Strait, namely between the islands of Big Diomedé and Little Diomedé, which are about 2 miles apart. It may have been thought in 1867 that more islands remained to be discovered

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in the surrounding waters and that agreement on a line would automatically determine ownership.

3. The coordinate positions for plotting of the US-Russia Convention Line of 1867 are given in Enclosure 1. Enclosure 2 (Map) shows the line and its position relative to the International Date Line. As far as is known, the Soviets attach no significance to the dateline.

4. Although the convention stated that the line proceeded due north without limitation into the Arctic Ocean, it would be best not to extend the line to the Pole, even though this might be implied. Such admission would lend support to the sector theory employed by the Soviets.

5. There seems to be no written evidence to suggest that the Soviets are intending to consider this line a de facto international boundary. However, if they should, some of their own publications provide information which could be construed to the contrary. In excerpts from Russian sailing directions for the Chukotsk Sea (Lotsiya Chukotskogo Morya, GU RKKF i GU Glavsevmorputi, Leningrad, 1938, p. 11) under the title "Administrative Boundaries: The Chukotsk Sea," the Soviets state that the "Asiatic shores of the Chukotsk Sea, including Wrangel Island and Herald Island, are governed by the USSR and are territorially included in the Khabarovskiy Kray of the RSFSR. The boundary between the possessions of the USSR and the USA is a line of agreement crossing the Bering Strait between the Diomed Islands. The American Coast of the Chukotsk Sea belongs entirely to the USA." In an article appearing in Sovetskoye Gosudarstvo i Pravo, No. 7, July 1952, C. N. Vyshnepol'skiy states, "Neither of the coastal powers, at the present time, pretends to realize, in these seas [Barents and Bering] their jurisdiction

beyond their territorial waters." He does, however, declare the Chukotsk Sea a "closed sea" along with the Kara, Laptev, and Eastern-Siberian Seas.

6. To the best knowledge of this office, there have been no incidents in the 20th century involving the air space or water space in the area to the north, east, and south of the Chukotsk area.

7. Commercial fishing is not an important factor in the Chukotsk area, which is north of the fishing grounds. International fishing rights in the Bering Sea, however, are recognized, as evidenced by the statement appearing in Sovetskoye Gosudarstvo i Pravo, which states that "the Barents, and Bering Seas are typical examples of 'open seas.' They are associated with 'open seas' because they are important international industrial areas and their great marine riches, for many years, have been used by the many fleets of various nations. In regards to conditions for international navigation, neither the Barents nor the Bering Seas differ from other seas in the subtropical or temperate zones."

8. No recent incidents relative to fishing rights are recorded. The only documented incident is that which occurred subsequent to the Treaty of 1867, when a controversy took place between the United States and Russia over the latter's seizure of American vessels in the Bering Sea west of the demarcation line. This dispute led to the signature of a modus vivendi in 1894, in which the United States agreed to a limit of 10 nautical miles on the Russian coasts of the Bering Sea and the North Pacific Ocean for hunting fur seals; a radius of 30 nautical miles around the Komandorskiy Islands and Tulienev Island was also agreed upon.

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9. The Soviets claim a 12-mile limit in territorial waters for all the coasts of the Soviet Union. This position is confirmed by A. N. Nikolaev in Problema Territorial'nykh Vod v Mezhdunarodnom Prave, Gosyurizdat, Moskva 1954, which elaborates on the question of the concept of territorial waters in general, stating, "We have established that Soviet Territorial Waters constitute a part of the territory of the USSR, are under its suzerainty, and are its national socialist possession. The extent of the territorial waters at the present time equals 12 nautical miles."

Confirmation of this position is served by a series of legislative acts of the Soviet Government, which in part are as follows:

(1) Constitution of the USSR (p. 6), in which it is stated that the water as well as the land, its subsurface, and so on, are national property.

(2) The Position on the Defense of National Boundaries of the Soviet Union, 15 June 1927 (p. 9 and others), establishing a 12-mile zone of Soviet territorial waters, over whose entire expanse the exclusive authority of the Government of the USSR prevails.

(3) The Air Kodex of the Soviet Union of 7 August 1935 (pp. 1-2), in which the exclusive suzerainty of the USSR over the airspace above its territorial waters is affirmed.

(4) The SNK (Soviet Narodnykh Kommissarov; Council of People's Commissars) decree of 25 September 1935 on the regulation of fishing and the protection of fish reserves (p.2), in which it is indicated that territorial waters are a part of the fishing areas of the USSR, etc.

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10. In regard to the above position on territorial waters, it is interesting to note that as late as 1950 some Soviet authors used the definition of territorial waters recommended by the Hague Conference. It is also significant that the book, Problema Territorial'nykh Vod v Mezhdunarodnom Prave, devotes considerable discussion to the confusion existing among some Soviet authors, who erroneously do not adhere to the concept that the 12-mile territorial waters constitute a part of the territory of the Soviet Union, completely under the suzerainty of the USSR and forming a part of its national territory. Instead, these authors maintain the position that the Soviet Union has no territorial waters completely under its suzerainty but that it merely exercises special rights in special zones. Singled out for special criticism is V. A. Belli, the author of Voenno-Morskoy Mezhdunarodno-pravovoy Spravochnik (Books I and II), Voennmorizdat, 1939 and 1940.

11. CIA/RR-G-10 The Chukotsk Peninsula, May 1955, is a recent comprehensive study in which the physical and cultural geography of the Peninsula are analyzed for the purpose of estimating its strategic significance.

12. Enclosure 2 contains the complete details of the conference held at HQ ACIS on 28 March 1951 for the purpose of delineating the US-USSR Treaty Line on Maps and Charts. Also included is Enclosure 3, Department of State Intelligence Memorandum OCL - 3446.4, 20 December 1946, Boundary Between Alaska and the USSR.

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Some boundaries shown on this map are de facto boundaries (1952), not necessarily recognized as definitive by the United States Government.

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FINALIZED REPORT ON CONFERENCE HELD AT HQ ACIS, 1000 MARCH 1951

SUBJECT: Delineation of US-USSR Treaty Line on Maps and Charts, with Amendments Submitted by State Department and Hydrographic Office

1. Present at the conference were the following:

R. Adm. R.F.A. Studds, Director, U.S. C&GS
Cdr. R. W. Knox, Chief, Division of Charts U.S. C&GS
Cdr. I.E. Rittenburg, Asst. Chief of Division of
Coastal Surveys, U.S. C&GS
Mr. Lansing Simmons, Chief, Mathematical Division of
Geodesy, U.S. C&GS
Lt. Cdr. J.B. Stewart, U.S. Navy Hydrographic Office
Mr. B.J. Maguire, U.S. Navy Hydrographic Office
Mr. Paul Alexander, Army Map Service
Mr. Charles F. Fuechsel, U.S. Geological Survey
Mrs. Sophia A. Saucerman, Department of State
Mr. Arthur Hall
Mr. Loren A. Bloom, Aeronautical Chart & Information Service
Mr. Lawrence P. Brown, Aeronautical Chart & Information Service
Mr. Dewey S. Pegler, Aeronautical Chart & Information Service

2. Purpose of the meeting was to review a proposal of the Hydrographic Office concerning the delineation of the treaty line between United States of America and USSR and to agree on a consistent treatment of this line on maps and charts published by U.S. Government agencies.

3. The convention between Russia and the U.S.A. concluded in Washington 18/30 March 1867 concerning the cession of Russian North American colonies was reviewed to determine the proper delineation of the line, by establishing geographic coordinates of turning points and intermediate points along the line. This was done to assure the uniform plotting by all agencies of the treaty line on various projects. It was agreed that these coordinates would be subject to modification resulting from future surveys, changes in datum, spheroid, etc.

4. In Article I of the 1867 Convention the Bering Sea portion of the boundary is defined as follows:

"The western limit within which the territories and dominion conveyed are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook (Little Diomedes), and the island of Ratmanoff, or Noonarbook (Big Diomedes), and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian in a southwesterly direction, so as to pass midway

between the island of Attou and the Copper (Medny) island of the Kommandorski couplet or group, in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian."

5. A description of this Convention Line, extracted from a State Department letter to the Hydrographic Office under date, 12 January 1951, is quoted herewith by way of interpretation.

a. "A point in $65^{\circ} 30'$ North latitude; $168^{\circ} 58' 22.587''$ West longitude. The latter is the meridian between the easternmost point of Big Diomedé Island and the westernmost point of Little Diomedé Island. It is based on U.S. Coast and Geodetic Survey triangulation, May-August 1944, and is on the 'North American Datum 1927.' The point in $65^{\circ} 30'$ North latitude is the turning point at the southern end of the meridian referred to.

b. A point on the meridian 172° West longitude at the terminus of a great circle starting at the first turning point named above and passing through a point midway between the northwest point of St. Lawrence Island and the southeast point of Cape Chukotski.

c. A point on the meridian 167° East longitude (193° West) at the intersection of a great circle beginning at the last named turning point and passing midway between Attu Island in the Aleutians and Copper (Medny) Island in the Komandorskie Islands. This latter point is the terminus of the Convention Line."

6. It was agreed that the line be labeled "U.S.-Russia Convention of 1867." This treaty line does not constitute a boundary between the waters of the U.S. and USSR except between overlapping territorial waters of both countries in the Bering Strait; elsewhere the waters of Bering Sea are regarded as high seas outside the territorial sea of the two countries.

7. The following delineation of the Convention Line was agreed on:

a. Starting at 72° North latitude in the Arctic Sea, the line will run south on the meridian $168^{\circ} 58' 22.587''$ longitude to a turning point at $65^{\circ} 30'$ North latitude. (It was agreed to carry the "Convention Line" only as far north as 72° North latitude.)

b. From the above point ($65^{\circ} 30'$ N. latitude, $168^{\circ} 58' 22.587''$ West longitude) the line runs almost southwest to a turning point at $64^{\circ} 12.3'$ North latitude, 172° West longitude (point of intersection on the 172^{nd} meridian West longitude by the great circle from $65^{\circ} 30'$ North latitude, $168^{\circ} 58' 22.587''$ West longitude to a point midway between the northwest extremity of St. Lawrence Island and the southeast extremity of Cape Chukotski).

c. From the above point (64° 12.3' North latitude, 172° West longitude) the line runs southwest passing midway between Attu Island and Kupper (Copper) Island and ends at 50° 36.4' North latitude, 167° East longitude (193° West longitude).

8. The Hydrographic Office has determined the latitude for the points in paragraph 7b and 7c above and has furnished the attached outline charts on which the line of demarcation is indicated by a great circle course broken down to increments of five degrees.

9. Based on the Navy requirement to show the Convention Line to assure that the operations carried on in that area would be in waters in which the right of American ships would be unchallenged and to assure consistent treatment, it was agreed that all maps and charts would show the entire line as described in paragraph 7 above.

10. After considerable discussion, it was decided that the standard international boundary symbol now shown on U.S. agency maps and charts of this area will continue to be used unless the State Department recommends otherwise.

11. Mr. Boggs of the State Department later definitely recommended that the standard international boundary symbol employed for land areas should not be used in the water areas of Bering Sea and Bering Strait. It was pointed out that there were very few water "boundaries" extending outside the land areas that properly constitute international boundaries -- an example being the United States-Canada boundary in Passamaquoddy Bay extending through the territorial waters only to the high sea. Subsequent discussion with Mr. Boggs disclosed the fact that the State Department would interpose no objection to the use of a dashed line symbol in the presentation of the U.S.-USSR line of demarcation.

12. Revoking the decision reached in paragraph 10 above, the Aeronautical Chart and Information Service intends to use a dashed symbol to delineate this line. Subsequent telephone discussions with participating representatives indicated that most agencies intend to use the dash line symbol as recommended by the State Department. Some agencies, however, wish to reserve final decision pending further consideration.

Coordinate Positions for Plot of U. S. - Russia Convention Line of 1867

POINT	POSITION		SOURCE
	Lat.	Long.	
Mys (Cape) Chukotski, southeast extremity	64° 14.2 N	173° 5.5 W	H. O. No. 0057 New Publica- tion 14th Ed. June 1943 corr. to Jan. '48
St. Lawrence Island, northwest extremity	63° 47.3 N	171° 45.8 W	H. O. 5819, 1st Ed. Mar. 1944 Corr. to July 1950
Medny (Copper Island), eastern extremity	54° 32.2 N	168° 00' E	H. O. No. 1690 10th Ed. Mar. 1943; Corr. to Sept. '50
Attu Island, Western extremity	52° 55.3 N	172° 26.8 E	U.S.C. & G.S. 9198 4th Ed. June 1947; corr. to Nov. 1950
Initial Turning Point	65° 30' N	168° 58' 22.587" W	
Turning Point No. 2	64° 12.3 N	172° 00.0 W	
Mid Point between Medny and Attu Island	53° 45.0 N	170° 16' E	
End Point, southwestern extremity of Convention line	50° 36.4	167° 00.0 E	
5° increments of longitude along great circle arcs	65° 04.2 N	170° 00' W	
	62° 59.4	175° 00' W	
	60° 33.5 N	180°	
	57° 28.0 N	175° 00' E	
	53° 31.0 N	170° 00' E	
Starting point of convention line	72° 00' N	168° 58' 22.587 W	